

X  
THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, MAY 21, 2002  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 10:08 a.m. Mayor Murphy recessed the meeting at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:07 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 2:20 p.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the regular meeting at 2:23 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:09 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:21 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:59 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 5:12 p.m. with all Council Member present. Mayor Murphy adjourned the meeting at 6:00 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (mc/ek)

FILE LOCATION: MINUTES

**ITEM-1: ROLL CALL**

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

**ITEM-30: Request for Reconsideration of the City's Position on Assembly Bill 1058.**

(See Memorandum from Councilmember Madaffer dated May 5, 2002.)

**TODAY'S ACTIONS ARE: FAILED**

Consideration of motions to:

- (1) Reconsider the City Council's vote of February 5, 2002 supporting Assembly Bill 1058. On February 5, 2002 the City Council voted 8-1 to support AB 1058.
- (2) Set the matter of a hearing at a future City Council meeting.

**FILE LOCATION: MEET**

**COUNCIL ACTION: (Tape location: D020-199.)**

**MOTION BY MADAFFER TO RECONSIDER.** Second by Maienschein. Failed by the following vote: Peters-nay, Wear-yea, Atkins-nay, Stevens-nay, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-nay, Mayor Murphy-nay.

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding the subject "Judicial Jurisdiction" and that there is a well-established principal of law that all federal legislation applies only within the territorial jurisdiction of the United States. He stated that the City withholds income taxes from employees wages, which is not considered income because Title 26 pertains only to residences of territories and the Federal Government has no jurisdiction over citizens of the 50 states.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A150-184.)

PUBLIC COMMENT-2: **REFERRED TO CITY MANAGER**

Comment by Noel Neudeck requesting the name of the Street Construction Field Inspector of the City of San Diego, who failed to make a developer install a curb ramp at a street corner. Mr. Neudeck stated that the curb is a safety violation mandated by the State of California Health and Safety Code, Section 19956.5. The curb in question is painted red and is located on the east side of Mission Heights Road at the south end, two blocks north of Friars Road, north of Hazard Center, just before entering the shopping center. On Friday, May 17, 2002, he was personally aggrieved by this violation after being denied use of the corner and was not able to access the shopping center. Mr. Neudeck further stated that he will fax a map of this complaint to the Mayor, City Council members, City Manager and the City Clerk. He concluded by requesting that a new concrete curb ramp be installed at the City employee's expense.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A187-228.)

**PUBLIC COMMENT-3:**

Comment by Nick Moffit thanking Council for correcting the danger of the Rosecrans storm drain but wanted to know why it took four years for the correction to be made, knowing a danger existed. He also commented on a packet that he sent Council and submitted to Risk Management, containing a claim stamped and dated March 22, 1999, a copy of the California State Law Gov C 911.4(b) which requires him to be specific, and a letter to the District Attorney requesting permission to file a late claim. He stated that he spoke with the Risk Management Dept. and shared this issue with them in detail stating that he was filing the claim late due to the physical and mental trauma he suffered because of the storm drain. Four months later he was accused of harassment and making terrorist threats. He would like to know what the City's policy is for obtaining public records and why records are promised to him but never delivered.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A232-271.)

**PUBLIC COMMENT-4:**

Comment by Michael Aguirre stating that the public is unaware that the City is looking for ways to further guarantee the Chargers income. He referenced a letter dated May 16, from the Chargers to the season ticket holders stating "We are now working with the City of San Diego to explore ways to guarantee that the Chargers will be able to compete on an equal economic footing with other NFL teams for years to come." He stated that the public has a right to monitor and participate in the decisions, the information gathering and the deliberations of the City Council. He further stated that the Council has completed a financing package that broke faith with the voters of this City because they did not honor their commitments to make sure that the Padres came up with their money. He suggested that they get outside counsel to review this matter and to not extend the ticket guarantee.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: A273-315.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Deputy Mayor Stevens regarding the ticket guarantee issue and to clarify what the newspaper did not quote correctly, which was the millions of dollars that were paid already in the terms of the ticket guarantee. He stated that the public sector should never guarantee the private sector a profit and that it was a mistake.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A319-455.)

COUNCIL COMMENT-2:

Comment by Council Member Madaffer stating that today at Benchley-Weinberger Elementary School they had their Books and Beyond Celebration. They were recognized because for three years in a row they read an incredible amount of books. This year in their program they read 2,486,750 pages of books and awards and proclamations were presented to the top twelve readers today.

Council Members Madaffer and Inzunza welcomed and acknowledged the students from the Montezuma Language Academy visiting the Council meeting.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A457-505.)

COUNCIL COMMENT-3: **REFERRED TO CITY ATTORNEY**

Comment by Council Member Atkins stating that she feels it is time for the City Attorney to docket for Closed Session an update on what is going on with regard

to Michael Aguirre's comments pertaining to the City looking for ways to further guarantee the Chargers' income.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A507-519.)

**COUNCIL COMMENT-4:**

Comment by Council Member Peters announcing that the memorial services for Danielle Greenberg, a seven year old girl who died in a car crash, will be held this Thursday.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A520-535.)

**CITY ATTORNEY COMMENT:**

None.

**CITY MANAGER COMMENT:**

None.

\* ITEM-50: Nob Hill Place Rezoning.

(RZ-41-0464. Uptown Community Plan Area. District-3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 5/7/2002 (Council voted 6-1. Councilmember Frye voted nay. Councilmembers Madaffer and Inzunza not present):

(O-2002-131) ADOPTED AS ORDINANCE O-19066 (New Series)

Rezoning 0.57 acres, located within the Uptown Community Plan Area, in the City of San Diego, California, from the NP-3 Zone (Neighborhood Professional, Office and Medium-Density Residential) into the NP-1 Zone (Neighborhood Professional, Office and High-Density Residential), as defined by San Diego Municipal Code section 103.1510; and repealing Ordinance No. O-17306 (New Series), adopted May 30, 1989.

FILE LOCATION: PERM - Nob Hill Place 05/07/02 (65)

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-100: Dignity San Diego 30th Anniversary Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1540) ADOPTED AS RESOLUTION R-296508

Commending Dignity San Diego for 30 years of service to San Diego's lesbian, gay, bisexual and transgendered Catholic community;

Proclaiming May 19, 2002, to be "Dignity San Diego 30<sup>th</sup> Anniversary Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Dr. Mariaelena Ochoa Day.

**COUNCILMEMBER INZUNZA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1541) ADOPTED AS RESOLUTION R-296513

Recognizing and appreciating the assistance of Dr. Mariaelena Ochoa for her outstanding contributions in the field of education;

Proclaiming May 17, 2002, to be "Dr. Mariaelena Ochoa Day" in the City of San Diego.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Two actions related to Inviting Bids and Award of Contract for the Catalina Pump Station Project.

(See Larry Gardner's 3/21/2002 memo. Peninsula/Point Loma Community Area. District-2.)

**TODAY'S ACTIONS ARE:**

Adoption of the following resolutions:

Subitem-A: (R-2002-1340) ADOPTED AS RESOLUTION R-296514

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the construction of the Catalina Pump Station and Point Loma Park Parking Lot on Work Order No. 73-263.0/73-263.3;

Authorizing the City Manager to establish contract funding phases and to execute a contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller to amend the Capital Improvements Program budget to add CIP-29-844.0, Point Loma Park Improvements (Entry/Parking Lot) project;

Authorizing the City Auditor and Comptroller to appropriate an amount not to exceed \$280,000 from the State of California Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 park grant funds for Fund No. 38135, CIP-29-844.0, Point Loma Park Improvements (Entry/Parking Lot) projects;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account for funds appropriated to the City under the grant;

Authorizing the expenditure of an amount not to exceed \$4,751,039 from Water Fund No. 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the expenditure of an amount not to exceed \$280,000 from Point Loma Park 02 Per Cap Fund No. 38135, CIP-29-844.0, Point Loma Park Improvements (Entry/Parking Lot) project;

Authorizing the City Manager to do by City forces inspection, closing and opening valves, and pipeline cuts and plugs pursuant to recommendation of the City Manager and submission of estimates by him indicating that the work can be done by City forces more economically than if let by contract, with the cost of the work not to exceed \$135,000;

Authorizing the expenditure of an amount not to exceed \$135,000 from Water Fund No. 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Replacement;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves on advice of the administering department. (BID-K02097C)

Subitem-B: (R-2002-1343) ADOPTED AS RESOLUTION R-296515

Authorizing the City Manager to execute an amendment to the agreement of September 22, 2000, with RBF Consulting, for engineering design services;

Authorizing the expenditure of an amount not to exceed \$83,339 from Water Fund No. 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration - Replacement, to provide funds for the First Amendment in Fiscal Year 2002.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 4/3/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

The Catalina Pump Station is located on Catalina Boulevard south of Verona Street in the community of Point Loma. The existing pumps are comprised of four 150 horsepower, vertical turbine pumps, each with a capacity of 2000 gallons per minute. This aging, undersized pump station has experienced operational problems and is in need of replacement. One of the pumps has been out of commission for several months and a portable diesel-driven pump is now serving as a substitute. Construction of a new Catalina Pump Station is part of a commitment to the Department of Health Services in accordance with Compliance Order 04-14-96-022.

The new Catalina Pump Station will ensure an adequate supply of water to community residents. It will sustain pressure and flow demands in the Point Loma area under high demand conditions or when the Catalina Standpipe is out of service. In addition, this replacement pump station will provide a more reliable and efficient facility that will save in electrical and maintenance costs. The pump station will consist of four new energy efficient pumps and motors, new state of the art electrical and telemetry equipment, and construction of an architecturally designed building consistent with the aesthetic preferences of the surrounding community. The new pumps will be 200 horsepower, vertical turbine pumps rated for 3,000 gallons per minute at 240 feet total discharge head. The upgrades at the Catalina Pump Station must be done prior to taking the nearby Catalina Standpipe out of service for rehabilitation.

During the project design phase, Council District 2 requested that the Water Department coordinate activities among the Water, Park and Recreation, and Fire Departments for design and construction of the Point Loma Park Parking Lot Enhancements Project. This will ameliorate Park and Recreation's unsatisfactory parking situation and allow the Water Department to use the existing parking lot as a staging area during the construction of the pump station.

In order to combine the two projects, the Water Department paid \$67,600 in additional expenses to design the Point Loma Park Parking Lot Enhancements Project. The First Amendment with RBF Consulting is necessary to cover the added design expense and provide engineering support during construction.

On August 15, 2000, City Council adopted R-293698 authorizing the City Manager to secure grant funding from the State of California under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Act of 2000 (2000 Park Bond.) The City Manager has secured the 2000 Park Bond grant funding and has entered into a Grant Contract for 2000 Park Bond funds. In addition, the City Manager has entered into a subcontract with the State of California specifying the use of \$280,000 for the Pt. Loma Park Improvements (Entry/Parking Lot) project.

The Water Department has agreed to set aside up to \$220,000 for the restoration of the staging area within Point Loma Park. The Water Department will also manage re-construction of the parking lot as part of the Catalina Pump Station Project. Combining these two projects will lessen the impacts to the community during the construction work.

The City forces are needed for inspection, closing and opening valves, and pipeline cuts and plugs. Use of City forces is more economical than bidding the work because the City has the equipment and expertise readily available. The existing pump station will be operating during construction, and coordination of the work by City forces is necessary to help minimize disruptions to the City's water services.

**FISCAL IMPACT:**

The total estimated cost of this project \$5,237,194. This will be phase funded in Fiscal Year 2002, Fiscal Year 2003 and Fiscal Year 2004. Funding for the construction of the pump station and the Point Loma Park Parking Lot is available from Water Fund 41500, CIP-73-263.0, Annual Allocation Water Pump Station Restoration, and Point Loma Park 02 Per Cap Fund 38135, CIP-29-844.0.

Mendes/Gardner/KP

Aud. Cert. 2201089.

FILE LOCATION: Subitem A: CONT - WM Lyles Co.;  
W.O. 73-263.0/73-263.3; Subitem B: MEET

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-103: Amendment to the Retention Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps LLP, for Litigation Services Related to the Ballpark & Redevelopment Project.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1170 REV.) ADOPTED AS RESOLUTION R-296516

Authorizing an amendment to the Retainer Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps LLP, for legal services concerning the Ballpark and Redevelopment Project increasing the authorized amount for that Agreement by \$125,000;

Authorizing the expenditure of an amount not to exceed \$125,000 from Fund 81140, Dept. 81140, Org. 3501, Object Account 4141, Job Order 081140.

**CITY MANAGER SUPPORTING INFORMATION:**

The City previously entered into an agreement with the Law Firm of Luce, Forward, Hamilton & Scripps, LLP, for certain litigation services related to the Ballpark and Redevelopment Project. The original authorization was for \$75,000, which was subsequently increased to \$400,000. It is presently anticipated that expenditures will approach \$600,000 necessitating an additional \$200,000 related to concluding litigation related to the Ballpark Project.

Herring/Girard/JS



Aud. Cert. 2201076.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A596-600.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-104: Lease Amendments - Hilton Hotel Corporation.

(La Jolla Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1562) ADOPTED AS RESOLUTION R-296517

Authorizing the City Manager to execute a first amendment to the lease agreement with the Hilton Hotels Corporation dated August 10, 1987, to permit a tee time agreement between the parties for reserved non-resident tee times at Torrey Pines Golf Course.

**CITY MANAGER SUPPORTING INFORMATION:**

In November 2001, the City Council approved the new Municipal Golf Operations Business Plan for Torrey Pines and Balboa Park Golf Courses. A recommendation in the plan is to provide the Hilton La Jolla Torrey Pines, a City lessee adjacent to Torrey Pines Golf Course, with a guaranteed number of tee times per day at Torrey Pines Golf Course for its hotel guests, subject to terms and conditions. The Real Estate Assets Department was directed to negotiate the agreement. Since the Hilton's existing lease precludes any preference on tee times, a lease amendment is needed that deletes this provision. The proposed amendment will then allow an agreement for tee times to be negotiated separately from the lease.

**FISCAL IMPACT:**

\$75,000 per year in additional rent or "in kind" services to the City are projected.  
Herring/Griffith/PTC

FILE LOCATION: LEAS - Hilton Hotels Corporation

COUNCIL ACTION: (Tape location: B045-054.)

MOTION BY STEVENS TO ADOPT. Second by Peters. Passed by the following vote:  
Peters-yea, Wear-not present, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-105: Lease Renewal - Downtown Johnny Browns, Inc.

(See City Manager Report CMR-00-33. Downtown Community Area.  
District-2.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1520) ADOPTED AS RESOLUTION R-296518

Authorizing the City Manager to execute a ten-year lease agreement with one five-year option with Downtown Johnny Brown's, Inc., a 3,434 square-foot building area, 1,602 square-foot patio area, at 1220 Third Avenue, in the San Diego Concourse, for a term of ten years with one five-year option to extend at an initial annual rent of \$46,750 (5.5% of gross income), which has been confirmed by the City's Valuation Division as fair market rent.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 2/23/2000, LU&H voted 3-0 to approve the City Manager's recommendation.  
(Councilmembers Wear, Kehoe and McCarty voted yea. Councilmembers Stevens and Warden not present.)

**CITY MANAGER SUPPORTING INFORMATION:**

On February 23, 2000, the Land Use and Housing Committee approved exclusive negotiations for the renewal of a lease with John Brown and James McElroy for Downtown Johnny Brown's Restaurant, located at 1220 Third Avenue, in the San Diego Concourse.

The basic terms of the lease are:

TERM - 10 years with one 5-year option.

RENT - Percentage rent beginning at 5.5% escalating after year 2 to 6.5%, year 5 to 6.75% and year 10 to 7%. This is fair market rent based on comparable restaurant leases in the downtown area.

USE - Café style restaurant and bar.

LEASE AREA - 3,424 sq. ft. building area, 1,602 sq. ft. patio area.

VALUE - Based on staff estimates, the Fair Market Value of the City's interest in the property is estimated to be \$375,000.

CAPITAL IMPROVEMENTS - Minimum of \$125,000 lessee capital improvements to include new restrooms, signs and awnings, dining area remodel, upgraded patio and new HVAC system. Lessee has agreed to repair the leaking roof of the facility, which is a City responsibility and will receive a rent credit for the cost of the repairs.

**FISCAL IMPACT:**

Annual Rent estimated to be \$46,750 will be deposited to General Fund 100.

Herring/Griffith/CEH

FILE LOCATION: LEAS - Downtown Johnny Brown's, Inc.

COUNCIL ACTION: (Tape location: A504-508.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

\* ITEM-106: Assembly Bill 303 (AB303) Funding of Water Project for the San Diego River Groundwater Basins Groundwater Management Project.

(See memorandum from Larry Gardner dated 4/24/2002.)

**TODAY'S ACTION IS:**

Adoption of the following resolution:

(R-2002-1406)            ADOPTED AS RESOLUTION R-296519

Authorizing the City Manager to execute and take all other actions necessary to fully perform the City's obligations under the Agreement between the State of California Department of Water Resources and the City of San Diego.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 5/1/2002, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

**CITY MANAGER SUPPORTING INFORMATION:**

On May 22, 2001, the City Council adopted Resolution R-294900, authorizing the City Manager to apply for, accept and expend grant funds from the State of California pursuant to the Local Groundwater Management Assistance Act of 2000, California Water Code Sections 10795, et seq. (AB303) to conduct groundwater management in connection with the City of San Diego's Water Projects.

The City Manager applied for a grant to assist in funding the San Diego River Groundwater Basins Groundwater Management Project. The Department of Water Resources has approved \$250,000 to partially fund the project. The total cost for the project is \$670,560 and is budgeted in the Groundwater Asset Development Program (CIP-75-932.0).

Completion of the proposed project will provide an implementation plan for management of the groundwater basins adjacent to the San Diego River System, consistent with the objectives of the City of San Diego, Helix Water District, and Padre Dam Water District. Completion of this work will also facilitate the development of solutions to groundwater degradation and contamination problems, provide the opportunity for optimum groundwater basin management for the future, and will facilitate the reduction of dependence on imported water supplies consistent with the goals and objectives of CALFED and the California 4.4 Plan.

**FISCAL IMPACT:**

\$250,000 in grant funding will be deposited in the Water Operating Fund 41500 as partial funding of the total project cost of \$670,560.

Mendes/Gardner/CCW

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-107: Fiscal Year 2003 Grant Applications - TDA and TransNet Funding Programs.

(See City Manager Report CMR-02-071.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1507) ADOPTED AS RESOLUTION R-296520

Authorizing the City Manager to make an application to SANDAG for \$1,522,500 in Transportation Development Act (TDA) and TransNet, for eight bikeway and five sidewalk projects;

Authorizing the City Manager to take all necessary actions to secure the grant funding from SANDAG;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing fund for the grants.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/3/2002, LU&H voted 5-0 to approve the City Manager's recommendation.

(Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-108: Pacific Beach Recreation Center Tot Lot.

(Pacific Beach Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1508) ADOPTED AS RESOLUTION R-296521

Authorizing the City Auditor and Comptroller to transfer \$13,000 from CIP-20-013.0, Park & Recreation Grant Matching Funding, Fund No. 630221, and \$27,000 from Development Impact Fees Fund No. 79507, to CIP-29-420.0, Pacific Beach Recreation Center Tot Lot;

Authorizing the City Auditor and Comptroller to amend the Fiscal Year 2002 Capital Improvement Program budget by an increase of an amount not to exceed \$40,000 into CIP-29-420.0, Pacific Beach Recreation Center Tot Lot;

Authorizing the expenditure of an amount not to exceed \$40,000 from CIP-29-420.0, Pacific Beach Recreation Center Tot Lot, for completing the construction contract and related costs;

Authorizing the City Auditor and Comptroller, upon the advice from the Administering Department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**CITY MANAGER SUPPORTING INFORMATION:**

The proposed Pacific Beach Recreation Center Tot Lot project is located at 1405 Diamond Street, at the intersection of Gresham Street in Pacific Beach. The scope of this project is to upgrade the existing tot lot to comply with ADA requirements such as accessible surfacing to all play equipment, ADA accessible signs, provide van accessible parking off street, accessible travel path from parking space to the tot lot and new entrance gate. The funding authorized by the City Council action will supplement funding previously authorized to construct the additional ADA requirements.

**FISCAL IMPACT:**

The estimated total project cost is \$225,139 of which \$185,139 has been previously authorized. The additional funds requested in the amount of \$40,000 are available in CIP-20-013.0, Park & Recreation Grant Match Funding No. 630221 (\$13,000) and Development Impact Fees Fund No. 79507 (\$27,000). With this action, the requested funding will be made available in CIP-29-420.0 for construction of this Tot Lot project.

Loveland/Belock/AO

Aud. Cert. 2201063.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-109: Keiller Neighborhood Park Children's Playground Upgrade - Federal Grant Application.

(Skyline-Paradise Hills Community Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1464) ADOPTED AS RESOLUTION R-296522

Authorizing the City Manager or designee to apply to the National Park Services Urban Park and Recreation Recovery (UPARR) Grant Program for a grant to upgrade the Keiller Neighborhood Park children's playground, and to take all necessary actions to secure grant funds from the UPARR Grant Program for playground upgrades at the Keiller Neighborhood Park;

If the grant funds are secured, authorizing the City Manager to expend the local match and grant funds in accordance with the terms and conditions set forth in the grant funding agreement;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to establish a special interest-bearing fund for the grant funds;

Authorizing the City Auditor and Comptroller, upon receipt of a fully executed grant agreement, to amend the Fiscal Year 2002 Capital Improvements Program Budget to add CIP-29-592.0, Keiller Neighborhood Park Children's Playground Improvements, in the amount of \$250,110;

That upon receipt of a fully executed grant agreement, authorizing the City Auditor and Comptroller to allocate \$60,000 from CIP-20-013.0, Park and Recreation Grant Match Funding, to CIP-29-592.0, Keiller Neighborhood Park Children's Playground Improvements;

If the grant funds are secured, authorizing the City Auditor and Comptroller to allocate \$36,250 from Park and Recreation Building Fees District, Fund No. 15000, to CIP-29-592.0, Keiller Neighborhood Park Children's Playground Improvements;

If the grant funds are secured, authorizing the City Auditor and Comptroller to expend \$250,110 from CIP-29-592.0 for the playground and other improvements at Keiller Neighborhood Park as follows: \$36,250 from Park and Recreation Building Fees District (Fund No. 15000), \$60,000 from Park and Recreation Grant Match Funding (Fund No. 630221), and \$153,860 from UPARR grant funds (contingent upon receipt of a fully executed grant agreement).

**CITY MANAGER SUPPORTING INFORMATION:**

In Fiscal Year 2002, the Federal Government authorized \$28,836 million nationwide for the National Urban Park and Recreation Recovery (UPARR) Grant Program for the rehabilitation of parks in urban areas. Eligible applicants must provide a 30% match.

This action authorizes the City Manager to apply for grant funds to upgrade the children's playground at Keiller Neighborhood Park in the Skyline Community. This site was selected based upon the grant criteria to: renovate recreation facilities identified by the agency as needing rehabilitation. Additional priority given to proposals serving neighborhood recreational needs and serve residents who: 1) live within low-moderate income levels; 2) are ethnically diverse; and/or 3) are physically or mentally disabled; and the lack of local funds to complete these projects.

**FISCAL IMPACT:**

The \$96,250 local match is secured through \$60,000 from CIP-20-013.0 "Park and Recreation Department Grants Match" and \$36,250 from Fund No. 15000 - Park and Recreation Building Permit Fee District. The total cost for the construction of the playground upgrade is \$250,110.

Herring/Williams/SLM

Aud. Cert. 2201062.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A509-613.)

MOTION BY STEVENS TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-110: Easement Grant - San Diego Gas & Electric Company - 19<sup>th</sup> and B Street 20A Conversion.

(Golden Hill Community Area. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1484) ADOPTED AS RESOLUTION R-296523

Authorizing the execution of a deed conveying to San Diego Gas & Electric Company an easement for the purpose of constructing, repairing, modifying, maintaining underground facilities and appurtenances for the transmission and distribution of electricity, affecting a portion of Pueblo Lot 1148 according to the map made by Charles H. Poole in 1856, as conveyed to the State of California by deed recorded May 13, 1959, in Book 7657, Page 587 of Official Records of the County of San Diego.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego has passed a resolution establishing an underground utility district including B Street, between 19<sup>th</sup> and 20<sup>th</sup> Streets. The resolution requires that San Diego Gas & Electric Company remove overhead electric facilities and replace them with an underground system. The underground conversion will benefit the community of Golden Hill. There is a technical requirement for a pad-mounted switch to be located on the north side of B Street, east of 19<sup>th</sup> Street to ensure system reliability and continuity of service.

The requested easement contains two sites. The westerly easement site is rectangular in shape, containing approximately 186 square feet. The easterly easement site is irregular in shape, containing approximately 863 square feet. Total easement area requested is approximately 1,049 square feet. Pursuant to CPUC Rule 20A, the easements will be granted without a request for compensation.

**FISCAL IMPACT:**

None.

Herring/Griffith/ACG

**FILE LOCATION:** DEED - F-9235

**COUNCIL ACTION:** (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-111: Excusing Deputy Mayor Stevens from the Public Safety & Neighborhood Services Meeting of Wednesday, June 19, 2002.

**DEPUTY MAYOR STEVENS' RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1502) ADOPTED AS RESOLUTION R-296524

Excusing Deputy Mayor George Stevens from the Public Safety & Neighborhood Services Meeting of Wednesday, June 19, 2002.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-112: Excusing Councilmember Madaffer from the City Council Meeting on May 7, 2002.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1554) ADOPTED AS RESOLUTION R-296525

Excusing Councilmember Jim Madaffer from attending the regularly scheduled City Council Meeting on May 7, 2002, due to his attendance to other out of town City business.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-113: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-906) ADOPTED AS RESOLUTION R-296526

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency due to Economic  
Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2002-1558) ADOPTED AS RESOLUTION R-296527

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Pacific Highlands Ranch - FY2003 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-103; Public Facilities Financing Plan and FBA, Fiscal Year 2003, April 2002 Draft. Pacific Highlands Ranch Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1516) ADOPTED AS RESOLUTION R-296528

Approving the document entitled "Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY2003."

Subitem-B: (R-2002-1531) ADOPTED AS RESOLUTION R-296529

Resolution of Intention to designate an area of benefit in Pacific Highlands Ranch and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: Subitems A & B: STRT - FB-20-0 (33)

COUNCIL ACTION: (Tape location: A614-B005.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Two actions related to North University Public Facilities Financing Plan and  
Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-098; Public Facilities Financing Plan and  
FBA, Fiscal Year 2003, April 2002 2<sup>nd</sup> Draft. North University City Community  
Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1514) ADOPTED AS RESOLUTION R-296530

Approving the document entitled "North University City Public Facilities  
Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003."

Subitem-B: (R-2002-1515) ADOPTED AS RESOLUTION R-296531

Resolution of Intention to designate area of benefit in North University City and  
setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation.  
(Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: Subitems A & B: STRT - FB-1-03 (33)

COUNCIL ACTION: (Tape location: B006-009.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

ITEM-152: Two actions related to Torrey Highlands - Amendment to the FY2002 Public  
Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-02-097; Public Facilities Financing Plan and  
FBA, Fiscal Year 2002", August 2001, Draft revisions - April 2002. Torrey  
Highlands Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2002-1510) ADOPTED AS RESOLUTION R-296532

Approving the amendments to the document entitled "Torrey Highlands Public  
Facilities Financing Plan and Facilities Benefit Assessment, FY2002, August  
2001."

Subitem-B: (R-2002-1511) ADOPTED AS RESOLUTION R-296533

Resolution of Intention to designate an area of benefit in Torrey Highlands and  
setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 5/1/2002, LU&H voted 5-0 to approve the City Manager's recommendation.  
(Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: Subitems A & B: STRT - FB-18-02 (33)

COUNCIL ACTION: (Tape location: B010-013.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: Settlement of the Damage Claim of Poll v. City of San Diego.

(R-2002-1417)

Adopted as Resolution R-296365.

A Resolution approved by the City Council in Closed Session on Tuesday, April 16, 2002, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$25,000 in complete settlement of each and every claim against the City, its agents and employees, resulting from sewer main line blockage on August 2, 2000, causing property damage and business losses to Val L. Poll, D.V.M., dba Animal Clinic of North Park. The City of San Diego previously paid a sum of \$129,132.60 from damages arising from this incident.

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$25,000 made payable to Val L. Poll, D.V.M., and his attorney of record, Phillip Wing, Esq., in full settlement of all claims.

Aud. Cert. 2201008.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

**ITEM-251: SUBMISSION OF BALLOT PROPOSALS**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the November 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	5/24/02	165	Last Date (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	6/05/02	153	Rules Committee review of ballot proposals
Monday	6/17/02	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	6/24/02	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Monday	Through 7/22/02	to 106	
Monday	7/29/02	99	Council adopts ordinances prepared by City Attorney
Friday	8/09/02	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	8/22/02	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, 533-4025.

ITEM-330: American Tower Corporation: 5252 Balboa Avenue, Communication Antenna Facility.

(Continued from the meeting of May 7, 2002, Item 330, at the request of Council Member Frye, for further review.)

Matter of approving, conditionally approving, modifying or denying a Conditional Use Permit (CUP) to legalize and expand an existing rooftop antenna

facility on a ten-story commercial office building, and a Site Development Permit (SDP) to allow for an exception to the Clairemont Mesa Height Limit Overlay Zone for a wireless communication antenna facility located at 5252 Balboa Avenue in the Clairemont Mesa Community Plan area. The project proposes the demolition of some existing rooftop equipment and the relocation and organization of existing communication antennas. The proposed project also provides for future antenna placement and new screening material for the facility.

(See City Manager Report CMR-02-100. 40-0322-01-CUP/SDP. Clairemont Mesa Community Plan Area. District-6.)

**NOTE:** Hearing open. No testimony taken.

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution to grant the permit:

(R-2002- ) GRANTED PERMIT, ADOPTED AS RESOLUTION R-296534

Adoption of a Resolution granting or denying Conditional Use/Site Development Permit No. 40-0322-01, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission on January 24, 2002, voted 5-0 to approve; no opposition.

Ayes: Garcia, Brown, Anderson, Lettieri, Butler  
Not present: Schultz, Stryker

The Clairemont Mesa Community Planning Committee on November 20, 2001, voted 11-1 to recommend approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

American Tower Corporation is requesting a Conditional Use Permit to operate a large collocated communication facility to serve a variety of wireless service providers, and a Site Development Permit to exceed the Clairemont Mesa Height Limit Overlay Zone. The project site is located at 5252 Balboa Avenue, at the intersection of Balboa Avenue and Genesee Avenue, in the Clairemont Mesa Community Plan Area.

The project would consist of a maximum of 76 communication antennas and the associated

electronic equipment cabinets on the roof of an existing, 123-foot high, commercial office building. The types of antennas include directional (panel) antennas, omni (whip) antennas and dish (satellite) antennas. The equipment cabinets would be located behind screening elements on the roof or within the interior of the existing mechanical shelters.

**FISCAL IMPACT:** None.

Ewell/Christiansen/JPH

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15303(3).

**FILE LOCATION:** PERM - American Tower Corporation, 5252 Balboa Avenue, Communication Antenna Facility 05/07/02 (65)

**COUNCIL ACTION:** (Tape location: A015-026.)

Hearing began at 10:51 a.m. and halted at 10:52 a.m.

MOTION BY FRYE TO ADOPT THE RESOLUTION GRANTING THE PERMIT.  
Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: La Jolla Community Plan & Local Coastal Program & Associated Documents & Actions.

Matter of approving, conditionally approving, modifying or denying the April 2002 Draft of the La Jolla Community Plan and Local Coastal Program Update, the April 2002 Draft La Jolla Public Facilities Financing Plan, the associated rezones, and the associated amendments to the Progress Guide and General Plan as well as considering for certification the addendum LDR-40-0747 to EIR DEP-92-0199 and rescission of the 1976 La Jolla Community Plan (amended in 1988), the 1972 La Jolla Shores Precise Plan (amended in 1976), the 1983 La Jolla - La Jolla Shores Local Coastal Program, the 1995 La Jolla Community Plan and the 1980 Fay Avenue Plan.

The La Jolla Community Plan and Local Coastal Program and other associated actions are located in part in the Coastal Zone, therefore the City Council's

decision requires amending the City's Local Coastal Program. As a result, the final decision on this La Jolla Community Plan and Local Coastal Program Update and other associated actions will be with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Planning Department, 202 "C" Street, Fourth Floor, San Diego, CA 92101 Attn: Michael Tudury, Senior Planner before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

(See City Manager Report CMR- 02-111. La Jolla Community Plan Area. Districts-1 & 2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in Subitems A, B, C, and D; and introduce the ordinance in subitem E:

Subitem-A: (R-2002-1546 Corr.Copy) CONTINUED TO TUESDAY, JUNE 4, 2002

Adoption of a Resolution certifying that the information contained in Addendum LDR-40-0747 Environmental Impact Report No. 92-0199 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council;

Based upon the initial Study and any comments received, the City Council finds that there is no substantial evidence that the project will have a significant effect on the environment other than those identified in previous EIR-92-0199, and said Addendum has been approved;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2002-1547) CONTINUED TO TUESDAY, JUNE 4, 2002

Adoption of a Resolution approving the comprehensive update of the La Jolla Community Plan and Local Coastal Program Land Use Plan, and rescinding the 1976 and 1995 La Jolla Community Plans, the 1972 La Jolla Shores Precise Plan, the 1983 La Jolla - La Jolla Shores Local Coastal Program and the 1980 Fay Avenue Plan;

That the Council adopts associated amendments to City of San Diego Progress Guide and General Plan and the Local Coastal Program to incorporate the updated La Jolla Community Plan and Local Coastal Program Land Use Plan;

That the La Jolla Community Plan and Local Coastal Program Land Use Plan are not effective until unconditionally certified by the California Coastal Commission as a Local Coastal Program amendment;

That the City Manager is directed to forward to the Coastal Commission the amendments required to be certified as Local Coastal Program amendments.

Subitem-C: (R-2002-1518) CONTINUED TO TUESDAY, JUNE 4, 2002

Adoption of a Resolution approving the La Jolla Public Facilities Financing Plan.

Subitem-D: (R-2002-1519) CONTINUED TO TUESDAY, JUNE 4, 2002

Adoption of a Resolution rescinding the existing La Jolla Development Impact Fees (DIF);

That the DIF fee schedule contained in the La Jolla Public Facilities Financing Plan Fiscal Year 2002 is declared to be an appropriate and applicable DIF fee schedule for all properties within the La Jolla Community Planning Area;

That the Docket Supporting Information (including City Manager Report CMR-02-111) and the text contained in the La Jolla Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code sections

66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed;
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

Subitem-E: (O-2002-138) CONTINUED TO TUESDAY, JUNE 4, 2002

Introduction of an Ordinance changing a single property of 0.18 acre (7936 sq. ft.) located at 1252 Cave Street as shown on Drawing B-4170, a single property of 0.16 acre (7274 sq. ft.) located at 5779 La Jolla Boulevard as shown on Drawing B-4174, 28 properties located in the Muirlands Terrace, Unit 1 Map 2523 Por. Lots 1 and 2, Muirlands Terrace Unit 2, Map 3051 (P.M.16924) Lots 49-62, Muirlands Village Unit 1, Map 3081, subdivisions as shown on Drawing B-4184, and various City-owned properties located within the La Jolla Community Plan area, as shown on Drawing C-914 all within the La Jolla Community Plan area, from the LJ-1 Zone (Cave St.), the CC-3-5 Zone (La Jolla Blvd.), the RS-1-5 Zone (Muirlands), and zones L-SF, L-PP, L-PRF, L-CC, RS-1-1, RS-1-5, RS-1-7, RM-1-1, LJ-1, LJ-5, LJ-6 (Various City-owned properties per C-914) into the RM-3-7 Zone (Cave St.), the La Jolla Planned District LJ-4 Zone (La Jolla Blvd.), and the RS-1-4 Zone (Muirlands) as defined by San Diego Municipal Code sections 103.0301 (La Jolla Shores Planned District Ordinance), 103.1201 (La Jolla Planned District Ordinance), 131.0201 (Open Space), 131.0401 (Residential), 131.0501 (Commercial), respectively; and repealing Ordinance Nos. O-18430, adopted 09/08/97 (Cave St.); O-15342, adopted 09/22/80 (La Jolla Blvd.); O-12176, adopted 10/19/77 (Muirlands); and O-15567, adopted 08/17/81; O-7670, adopted 12/31/57; O-18168, adopted 03/20/95; O-12177, adopted 10/19/77; O-4059, adopted 05/24/49; O-13294, adopted 08/31/31; O-12176, adopted 10/19/77; O-12643, adopted 05/15/79; O-3858, adopted 09/07/48; O-16608, adopted 03/17/86; O-16627, adopted 04/21/86; and O-13455, adopted 02/15/32 (various City-owned properties per C-914), insofar as the same conflict therewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on December 6, 2001, voted 5 - 1 to recommend approval with conditions; was opposition.

Ayes: Butler, Garcia, Anderson, Lettieri, Brown

Nays: Stryker

Not present: Schultz

The La Jolla Community Planning Association has recommended denial of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

The La Jolla Community Plan and Local Coastal Program Land Use Plan is the City of San Diego's adopted statement of policy for growth and development of the La Jolla community planning area for the foreseeable future. The plan proposes specific goals, policies and strategies regarding the future preservation, use and development of land within La Jolla and identifies how the use and development of that land will affect current levels of public services and facilities.

**FISCAL IMPACT:**

The April 2002 draft Public Facilities Financing Plan identifies total project costs for public facilities of \$98,641,898 to be used as the base for calculation of development fees.

Ewell/Goldberg/MTT

**LEGAL DESCRIPTION:**

The La Jolla Community Planning area encompasses approximately 4,680 acres of land located within the mid-coastal region of the City.

**ENVIRONMENTAL IMPACT:**

The City of San Diego as Lead Agency, has prepared a final Addendum to an Environmental Impact Report EIR-92-0199 (SCH-92071032) for the proposed project pursuant to Section 15164 of the State CEQA Guidelines. Based upon a review of the current project, it had been determined that there are no new significant environmental impacts not considered in the previous EIR; no substantial changes have occurred with respect to the circumstances under which the project is undertaken; and there is no new information of substantial importance to the project.

The previous Final EIR No. 92-0199 for the La Jolla and Pacific Beach Community Plan and Local Coastal Program Land Use Plan Updates, dated July 12, 1993, concluded that the Plan update for La Jolla would result in significant and unmitigated impacts to traffic and circulation (direct and cumulative), air quality (direct and cumulative), geology and soils, biology, cultural resources, hydrology and water quality (direct and cumulative), and noise (direct and cumulative). In addition, the EIR concluded that some of these impacts would be mitigated during future, site-specific CEQA review for development proposals requiring subsequent discretionary permits. Mitigation measures were adopted with the certification of the Final EIR and are still applicable to this current update project.

FILE LOCATION: LAND-Progress Guide and General Plan/La Jolla  
Community Plan & Local Coastal Program & Associated  
Documents & Actions (09)

COUNCIL ACTION: (Tape location: D215-H424.)

Hearing began at 10:55 a.m. and halted at 12:01 p.m.

Testimony in opposition to La Jolla Community Plan, with no reference to site 653, by Joanne Pearson, Sherri Lightner, Orrin Gabsch, Mary Coakley, Gail Forbes and Don Schmidt.

Testimony in favor to La Jolla Community Plan, with no reference to site 653, by Matt Peterson, Fred Borrelli and Lynn Heidel.

Hearing began at 2:24 p.m. and halted at 6:00 p.m.

Testimony in opposition to Site 653 by Penelope Bourk, Jim Gary, Wayne Brechtel, Sherri Lightner, Mary Coakley, Don Steele, Robert Barto, Darth Parnavelli, Ross Starr, Linda Smith, Howard Ikerd, Patricia Granger, Jessica Attiyeh and Gail Forbes.

Testimony in favor of Site 653 by Lynn Heidel, Neal Singer, Rabbi Lisa Goldstein, Bob Lapidus, Rabbi Martin Lawson, Elana Segal, Orrin Franko, Kendall Squires, Claire Ulman, Irving Samit and Harold Krasner.

**MOTION BY PETERS TO CONTINUE TO TUESDAY, JUNE 4, 2002 AND  
TENTATIVELY APPROVE THE LA JOLLA COMMUNITY PLAN AND THE STAFF  
RECOMMENDATION WITH RESPECT TO EVERYTHING EXCEPT SITE 653  
WITH DIRECTION TO STAFF TO INCLUDE THE PHRASE "DEFINED**

PARALLEL LINES" IN THE PLAN UNDER "VIEW PROTECTION." UNDER "SCENIC OVERLOOK" ON PAGE 2, THE LANGUAGE "VIEW OF PRIVATE PROPERTY BUILDING ENVELOPES FROM A PUBLIC RIGHT-OF-WAY" SHOULD BE INCLUDED. REFERENCE TO THE LAND DEVELOPMENT CODE SHOULD BE REVISED TO READ "FOR MORE DETAILED INFORMATION REGARDING VISUAL ACCESS REQUIREMENTS FOR DEVELOPMENT BETWEEN THE FIRST PUBLIC ROAD AND THE SEA, PLEASE REFER TO THE SUBAREA MAPS CONTAINED IN APPENDIX G IN SECTION 132.0403 OF THE LAND DEVELOPMENT CODE." ENHANCE THE POLICY LANGUAGE ALONG THE LINES OF THE SUGGESTION ON PAGE 3, ADDRESSING HOW THE "PRESENCE OF SHORELINE-PROTECTIVE DEVICES MAY AFFECT THE REQUIRED SETBACK." A REFERENCE TO "STEEP HILLSIDES" SHOULD APPEAR ON PAGE 49 OF THE PLAN, IF IT IS NOT ALREADY THERE. AS A CITY-WIDE ISSUE, REFER THE MATTER OF WHERE THE PEPSI MACHINE MONEY SHOULD BE SPENT WITHIN THE LA JOLLA COMMUNITY PLAN TO THE RULES COMMITTEE.

ACCEPT COUNCIL MEMBER FRYE'S REQUEST THAT WHEN CHANGES ARE MADE IN AN ITEM, THAT A STRIKE-OUT, UNDERLINED VERSION OF THE DOCUMENT SHOULD BE PROVIDED.

ACCEPT COUNCIL MEMBER WEAR'S REQUEST THAT AS A POLICY ISSUE, FUNDING SHOULD BE LOCATED FOR THE ACQUISITION OF RED ROOST AND RED REST AS HISTORIC RESOURCES. LANGUAGE SHOULD ALSO BE INCLUDED IN THE LA JOLLA COMMUNITY PLAN REFERENCING A DOCUMENT OR PLAN FOR WATER QUALITY IMPROVEMENT AND DIVERSIONS, WHICH WOULD HAVE A CITY-WIDE FOCUS. LANGUAGE SHOULD ALSO BE INCLUDED WHICH WOULD PROVIDE THE OPTION FOR A VALET PARKING DISTRICT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

MOTION BY INZUNZA TO ACCEPT THE LA JOLLA COMMUNITY PLAN AS TO SITE 653, AND AS THE IMPLEMENTATION REGARDING SITE 653, WITH THE FOLLOWING AMENDMENTS:

DESIGNATE AS LOW-DENSITY RESIDENTIAL THE CITY-OWNED PARCEL, KNOWN AS SITE 653, AT THE INTERSECTION OF LA JOLLA VILLAGE DRIVE, LA JOLLA SCENIC WAY AND LA JOLLA SCENIC DRIVE NORTH. IF THE

ADJACENT CUL-DE-SAC AND ACCESS RIGHT-OF-WAY ON LA JOLLA SCENIC DRIVE NORTH ARE VACATED OR OTHERWISE MADE AVAILABLE FOR INCLUSION IN THE DEVELOPMENT OF SITE 653 BY THE CITY OF SAN DIEGO, THEN DEVELOPMENT OF IT AND SITE 653 SHALL BE VIEWED IN THE CONTEXT OF A SINGLE-DEVELOPMENT PLAN AND SHALL BE CONSISTENT WITH THE PERMITTED USES AND DEVELOPMENT REGULATIONS OF THE SINGLE FAMILY ZONE OF THE LA JOLLA SHORES PLAN DISTRICT ORDINANCE. IN ADDITION, IF THE ADJACENT CUL-DE-SAC AND ACCESS RIGHT-OF-WAY ON LA JOLLA SCENIC DRIVE NORTH ARE VACATED OR OTHERWISE MADE AVAILABLE FOR INCLUSION IN THE DEVELOPMENT OF SITE 653, ANY DEVELOPMENT WILL PROVIDE FOR LANDSCAPED OPEN SPACE IN AN AGGREGATE AREA OF NOT LESS THAN 10,000 SQUARE FEET. ACCEPT COUNCIL MEMBER ATKINS' REQUEST THAT THE CITY MANAGER AND STAFF WORK MORE CLOSELY TO CLARIFY HOW THE MUNICIPAL CODE AND OPEN-SPACE POLICIES FLOW TOGETHER, SPECIFICALLY IN TERMS OF DESIGNATION AND DEDICATION. THIS SHOULD BE DETERMINED BY A COMMITTEE BEFORE IT GETS TO THE PLANNING COMMISSION OR THE COUNCIL. Second by Madaffer. Passed by the following vote: Peters-nay, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

ITEM-S500: National Beach Safety Day.

**COUNCILMEMBER WEAR'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1587) ADOPTED AS RESOLUTION R-296535

Proclaiming May 20 through May 27, 2002 as "National Beach Safety Week" in San Diego, and urging all residents using our beaches to enjoy themselves at the beach this year while taking appropriate measures to protect themselves and their children.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A018-081.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

\* ITEM-S501: Asian Pacific American Heritage Month.

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1571) ADOPTED AS RESOLUTION R-296536

Proclaiming May 2002 to be "Asian Pacific Islander Heritage Month" in  
recognition of the Asian and Pacific Islander communities of San Diego and their  
commitment to their cultures and traditions.

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the  
following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-  
yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-S502: Appointment to the Senior Affairs Board.

(See memorandum from Mayor Murphy dated May 14, 2002 with resume  
attached.)

**MAYOR MURPHY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1623) ADOPTED AS RESOLUTION R-296537

Council confirmation of the appointment by the Mayor of John Patrick Ford to serve as a member of the Senior Affairs Advisory Board, for a term ending May 31, 2004, replacing Paul Downey, who has resigned.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A082-126.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S503: Findings of Benefit - Construction of Surface Parking Lots - 12<sup>th</sup> and Market Block.

(See CCDC Report dated 4/23/2002. Centre City Redevelopment Project Area. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1495) ADOPTED AS RESOLUTION R-296538

Making certain finding with respect to the payments for construction of on-site improvements on the 12<sup>th</sup> and Market site in the East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area.

**NOTE:** See Item 6 of the Redevelopment Agency Agenda of 5/21/2002 for a companion item.

FILE LOCATION: MEET (64)

COUNCIL ACTION: (Tape location: D200-209.)

MOTION BY INZUNZA TO ADOPT. Second by Wear. Passed by the following vote:  
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,  
Inzunza-yea, Mayor Murphy-yea.

ITEM-S504: Redevelopment Agency Proposed Fiscal Year 2003 Budget.

(See City Manager Report RA-02-10/CMR-02-108.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2002-1620) CONTINUED TO TUESDAY, JUNE 4, 2002

Accepting a loan repayment from the Redevelopment Agency in the amount of  
\$2,221,459 from the Mount Hope Redevelopment Project Area;

Authorizing the transfer of \$2,221,459 from the City of San Diego as an interest  
bearing loan to the Redevelopment Agency to be used in the proposed Fiscal Year  
2003 project budget to augment the Central Imperial Redevelopment Project Area  
in the amount of \$1,241,459 and to augment the Southcrest Redevelopment  
Project Area in the amount of \$980,000;

Directing the City Auditor to record the \$2,221,459 as an interest-bearing loan to  
the Redevelopment Agency to be repaid as soon as practicable from tax increment  
or other appropriate revenues;

Authorizing the reprogramming of Community Development Block Grant Funds  
(CDBG) previously authorized for the Central Imperial Fund 98779/98779  
(18536) in the amount of \$769,374 to augment Central Imperial (General) Fund  
98770;

Authorizing the reprogramming of CDBG Funds previously authorized for the  
Southcrest Redevelopment Project Area Fund 98335 in the amount of \$445,000 to  
the Southcrest Redevelopment Project Area Fund 98330/97171.

**NOTE:** See Item 3 of the Redevelopment Agency Agenda of 5/21/2002 for a companion item.

**FILE LOCATION:** NONE

**COUNCIL ACTION:** (Tape location: D210-214.)

MOTION BY COMMON CONSENT TO CONTINUE TO TUESDAY, JUNE 4, 2002.  
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,  
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:00 p.m.

**FILE LOCATION:** MINUTES

**COUNCIL ACTION:** (Tape location: H425.)